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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11886/2024**
COL TEGA SINGHPetitioner
Through: **Mr. S. S. Pandey, Adv.**

versus

UNION OF INDIA & ORS.Respondents
Through: **Mr. Farman Ali, SPC with Mr. Hussain Adil Taqvi, Ms. Usha Jamnal, Advs. and Major Anish Murlidhar.**

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

29.08.2024

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CM APPL. 49491/2024 –Ex.

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner, who is presently serving as a Colonel in the Indian Army, has approached this Court assailing the order dated 26.04.2024 passed by the learned Armed Forces Tribunal (“Tribunal”) in OA No. 1631/2020.
4. The primary submission of the learned counsel for the petitioner is that since the judgment was reserved for a period of over 16½ months, it appears that the learned Tribunal has failed to appreciate one of the main grounds raised by the petitioner i.e. grounds D and E raised in the aforementioned OA.



5. On the other hand, learned counsel for the respondents, who appears on advance notice seeks to defend the impugned order by urging that these two grounds were specifically responded to in the counter-affidavit and therefore, the learned Tribunal after examining the original record did not find any merit in these grounds.

6. Having perused the impugned order, we are unable to accept the respondents' plea that the learned Tribunal as we find that these grounds, which according to the petitioner go to the root of the matter, have not at all been dealt with in the impugned order. In these circumstances, we are of the view that it would be appropriate that the petitioner should first approach the learned Tribunal by way of a review petition.

7. We, accordingly, dispose of the present petition by granting liberty to the petitioner to approach the learned Tribunal by way of filing a review petition within a period of two weeks from today. We further, direct that in case, a review petition is filed by the petitioner within the two weeks time being granted, the same will be considered on merits and not rejected on the ground of delay.

8. It is, however, made clear that, this Court has not expressed any opinion regarding the merits of the petitioner's claim.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 29, 2024/ss